

## REMARKS

Claims 1-8 are pending. As a result of this amendment, claims 1, 7 and 8 have been amended. No new matter has been added to this application by way of amendment.

## Objections

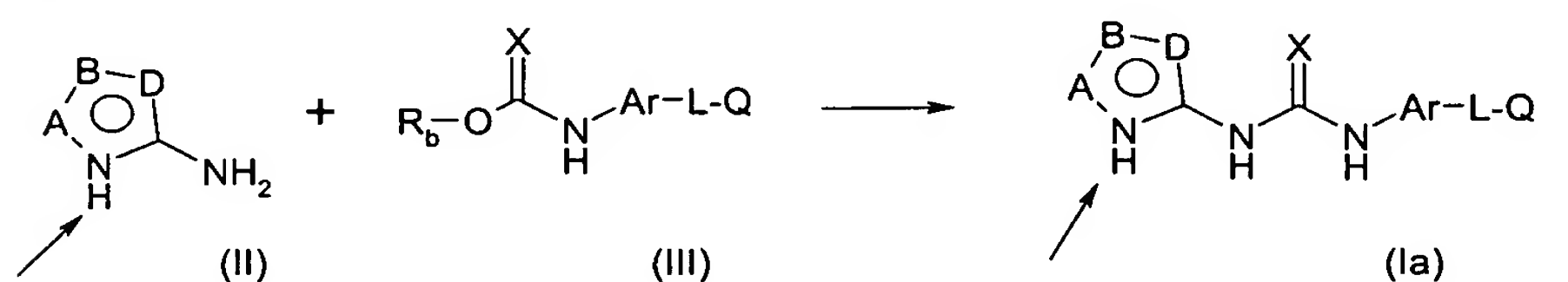
The term 'suitable' as used before several terms in the claims has been objected to. While not agreeing that 'suitable' renders the claims unclear, applicants have deleted each occurrence of the term in the claims. Withdrawal of the objection is therefore respectfully requested.

## The 35 USC 112 second paragraph rejection

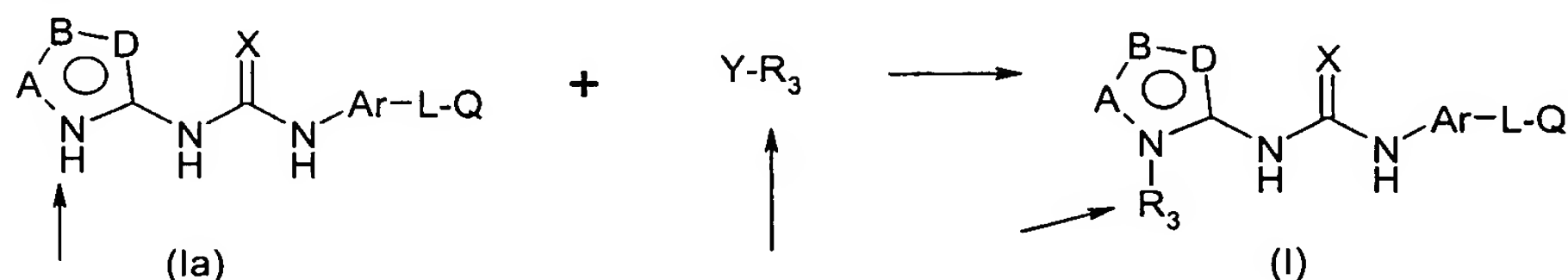
Claims 1-8 have been rejected under 35 USC second paragraph as allegedly being indefinite.

It is alleged in the Office Action that it is unclear whether or not  $R_3$  can be hydrogen. Applicants disagree. The process, as recited in the claim and disclosed in the specification, shows in step 2 that  $R_3$  applies only to formula (I). Intermediates (Ia) and (II) do not have attached an  $R_3$  group, rather they possess a hydrogen atom at the same position. It is clear that in step 2, H is exchanged for  $R_3$ .

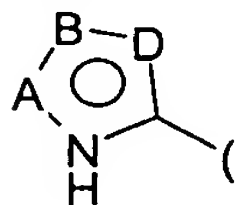
Step 1:



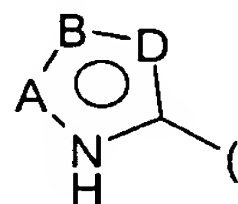
Step 2:



Therefore it would be clear to one of ordinary skill in the art that the heteroaryls recited in claim 1 for



specified for intermediate formulas (Ia) and (II), would be the same heteroaryls for formula (I) except that H is replaced by R<sub>3</sub> are shown in the reaction schemes. For clarity, applicants have amended claim 1 to delete reference to formula (I) in defining



the heteroaryl

Withdrawal of the rejection is therefore respectfully requested.

**Certificate of Mailing Under 37 C.F.R. § 1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to  
Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Anthony P. Bottino  
Reg. No. 41,629

  
Dated

Respectfully submitted,

Anthony P. Bottino  
Registration No. 41,629  
Attorney for Applicants

BOEHRINGER INGELHEIM CORPORATION  
Patent Department  
900 Ridgebury Road/P.O. Box 368  
Ridgefield, CT 06877  
Telephone: (203) 791-6764  
Facsimile: (203) 798-4408